

REMARKS

Claims 1 to 25 have been canceled herein without prejudice. Claims 26 to 37 have been added herein. Accordingly, after the claim amendments made herein are entered, claims 26 to 37 will be pending.

Regarding the Claim Amendments

New claims 26 to 37 have been added herein. The new claims generally parallel claims 1 to 10 that issued in U.S. Pat. No. 6,177,545 (hereinafter the '545 patent), for which the Examiner was then Assistant Examiner.

The '545 patent issued from U.S. App. Ser. No. 09/071,739, which is a divisional of the parent of the subject application. See page 1, lines 18-21 of subject application. Accordingly, new claims 26 to 35 derive support from the same sources of the application as did issued claims 1 to 10 of the '545 patent.

In addition, new claims 26 and 32 recite that SEQ ID NO:2 has a phenylalanine residue instead of a tyrosine residue at position 246. Support for this recitation can be found, for example, in Figure 1 and column 7, lines 53-61 of U.S. Pat. No. 5,968,822 (hereinafter the '822 patent), which issued from U.S. App. Ser. No. 08/922,170, from which the subject application is a continuation-in-part. See page 1, lines 18-21 of subject application. More specifically, Figure 1 and column 7, lines 53-61 of the '822 patent disclose that in SEQ ID NO:2 of the subject application the tyrosine residue (which can also be designated "Tyr" or "Y") at position 246 can be substituted with a phenylalanine residue (which can also be designated "Phe" or "F").

Moreover, new claims 26, 31, 32 and 37 recite language relating to the active form of heparanase. Support for this recitation can be found in the specification, for example, at page 10, lines 10-16; page 12, lines 12-20, which discloses that the antibodies

of the invention were raised against the active heparanase enzyme; and page 32, line 9-15.

Because new claims 26 to 37 are fully supported by the subject application, including its related applications, no issue of new matter is raised.

Regarding the Rejection of Claims 1 to 25.

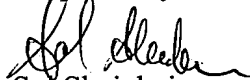
In the outstanding Office Action, some or all of claims 1 to 25 are rejected as allegedly failing to comply with the written description requirement, non-enabling and anticipated by or obvious in view of various references. Applicants respectfully traverse these rejections.

While Applicants disagree with the allegations in the Office Action, to promote prosecution of the subject application, Applicants have cancelled claims 1 to 25 herein without prejudice. In view of this cancellation, these rejections are now moot. Accordingly, withdrawal of these rejections is respectfully requested.

The rejection of claims 1 to 25 under the doctrine of obviousness-type double patenting is also requested to be withdrawn in view of the cancellation of these claims.

All of the issues raised in the Office Action have been addressed and are believed to have been overcome. Accordingly, it is respectfully submitted that all the claims under examination in the subject application are allowable. Therefore Applicants respectfully request a Notice of Allowance to this effect.

Respectfully submitted,



Sol Sheinbein

Registration No. 25,457

Date: January 4, 2005